

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**UNITED STATES OF AMERICA, :**  
:  
:  
:  
**v. :** **5:04-CR-35 (WDO)**  
:  
**KRANSTON DESHAWN MOULTRIE, :**  
:  
**Defendant :**

**ORDER**

This matter is before the Court on Defendant's motion for a free copy of his file so that he may prepare a habeas corpus petition. Defendant Moultrie is required to pay 10 cents per page for anything he wishes to have copied and mailed to him. Because Defendant has not yet filed a habeas action, and has not had a judge determine whether the same is frivolous or with arguable merit, his request for a free copy of his file is DENIED. See Skinner v. United States, 434 F.2d 1036 (5<sup>th</sup> Cir. 1970) ("where a federal prisoner has not attempted to file a petition collaterally attacking his conviction, he is not entitled to obtain copies of court records at the government's expense under 28 U.S.C. 2255 to search the record for possible error"); Hansen v. United States, 956 F.2d 245, 248 (11<sup>th</sup> Cir. 1992) ("a prisoner is entitled to access to the court files only after he has made a showing that such files are necessary to the resolution of an issue or issues he has presented in a non-frivolous pending collateral proceeding").

Defendant Moultrie is instructed to notify the Clerk of Court's office regarding copies of files within the Clerk's office (such as motions and orders filed with the Court), or the Court reporter for items in his/her office (such as transcripts from recorded hearings), and

state exactly what Defendant wants copied. The Clerk of Court will thereafter notify Defendant Moultrie how much to remit for the entire copying request. Defendant may thereafter remit that amount to the Clerk of Court and the copies will be made and mailed to Defendant after payment is received.

**SO ORDERED this 8<sup>th</sup> day of November, 2006.**

**S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE**